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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,831	06/09/2000	Ronald H. Sartore	0325.00369	1466

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EXAMINER

PERVEEN, REHANA

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 04/24/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/590,831

Applicant(s)

SARTORE ET AL.

Examiner

Rehana Perveen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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Response to Amendment

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dischler et al, patent no. 6,311,287.

3. Dischler et al were cited as prior art in the previous office action. The rejections are respectfully maintained and repeated as set forth below.

4. As to claim 1, Dischler et al teach a peripheral device connected to a host device (figure 1), wherein a speed of the host device is adjusted in response to one or more predetermined conditions (abstract and col. 2 lines 17-37).

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5. It is noted that Dischler et al do not expressly teach adjusting the speed of a peripheral device. Dischler et al teach adjusting the speed of a host device. It would have been obvious for one of ordinary skill in the art at the time of the invention to modify teachings of Dischler et al to utilize the device speed adjustment technique into a peripheral device since such utilization would have enabled a peripheral device to run at optimal speeds.
6. As to claim 2, Dischler et al teach the device is configured to electrically disconnect (idle state) and reconnect (active state) at the adjusted speed to another device (col. 8 lines 44-56).
7. As to claim 3, Dischler et al teach the electrical disconnection/reconnection comprises re-enumeration of the device (during operating conditions considerations process, col. 2 line 17 - col. 3 line 15 and col. 10 lines 19-21).
8. As to claim 4, It is noted that Dischler et al do not expressly teach the device being a USB device. However, it would have been obvious for one of ordinary skill in the art

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at the time of the invention to employ the speed adjustment technique to a number of different types of devices (Dischler et al, col. 8 lines 5-11) including a USB device since such technique would have enabled the prior art USB devices to run at optimal speeds.

9. As to claim 5, Dischler et al teach the one or more predetermined conditions comprise one or more speed considerations and one or more power considerations (abstract and col. 2 lines 18-38).
10. As to claim 6, Dischler et al teach the device is further configured to determine a required speed of the device (col. 6 lines 31-37).
11. As to claim 7, Dischler et al teach the device is further configured to determine a power conservation of the device (col. 4 line 54 - col. 5 line 4).
12. As to claim 8, Dischler et al teach the device is further configured to switch from a first speed to a second

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speed in response to the one or more predetermined conditions (col. 6 lines 12-15).

13. As to claim 9, Dischler et al teach the device is further configured to switch from a first speed to a second speed in response to a user input (col. 6 lines 12-19).

14. As to claim 10, Dischler et al teach means for detecting a current operating speed of a device, and means for changing the operating speed of the device in response to one or more predetermined conditions (abstract and col. 2 lines 18-38).

15. It is noted that Dischler et al do not expressly teach the device being a peripheral device. Dischler et al teach adjusting the speed of a host device. It would have been obvious for one of ordinary skill in the art at the time of the invention to modify teachings of Dischler et al to utilize the device speed adjustment technique into a peripheral device since such utilization would have enabled a peripheral device to run at optimal speeds.

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16. Claims 11-19 are directed to the method of system claims 1-10. Dischler et al teach the system as set forth in claims 1-10. Therefore, Dischler et al also teach the method as set forth in claims 11-19.

Response to Arguments

17. Applicant's arguments filed on 17 April 2003 have been fully considered but they are not persuasive.

18. In the remarks, applicant argued in substance that (1) Dischler teaches a variable frequency clock control for microprocessor-based computer system (Title), as opposed to applicants' claimed invention of an apparatus comprising a peripheral device and a host device whereas the peripheral device may be connected to the host device; and (2) Dischler does not teach the speed of the peripheral device may be adjusted in response to one or more predetermined conditions.

19. As to point (1), in response to applicant's argument that Dischler teaches a variable frequency clock control for microprocessor-based computer system (Title), as opposed to

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applicants' claimed invention of an apparatus comprising a peripheral device and a host device whereas the peripheral device may be connected to the host device, the examiner agrees that the title of Dischler is correctly stated by the applicants. However, the examiner disagrees that Dischler does not teach applicants' claimed invention of an apparatus comprising a peripheral device and a host device whereas the peripheral device may be connected to the host device. The examiner again points to figure 1 arrangement of Dischler for an apparatus (computer system 10, col. 3 lines 44-45) comprising a peripheral device (interface 16 coupled to a peripheral, col. 1 lines 21-26 and col. 3 lines 44-47) and a host device (processor module 12, col. 3 lines 44-47) whereas the peripheral device may be connected to the host device (via computer system bus 18, col. 3 lines 44-47). As such, applicant's argument is not persuasive.

20. As to point (2), in response to applicant's argument that Dischler does not teach the speed of the peripheral device may be adjusted in response to one or more predetermined conditions, the examiner agrees as stated in the previous office action and as repeated above. Dischler

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et al do not expressly teach adjusting the speed of a peripheral device. Dischler et al teach adjusting the speed of a host device (abstract). Dischler et al also teach, by providing means to adjust operation speed, a technique is provided to permit a device to run at optimal speeds taking in consideration temperature and power consumption considerations (col. 2 lines 18-33). It would have been obvious for one of ordinary skill in the art at the time of the invention to modify teachings of Dischler et al to utilize the device speed adjustment technique into a peripheral device since such utilization would have enabled a peripheral device to run at optimal speeds. Also, a routineer in the data processing art would have readily recognized that any type of device may utilize this speed adjustment arrangement, including a peripheral device, which provides an advantage to vary operation speed of dynamic circuits having dynamic logic without loss of data or operation. As such, applicant's argument is not persuasive.

21. **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

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A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 746-7239, (for formal communications
intended for entry)

Or:

(703) 746-7240 (for informal or draft
communications, please label "PROPOSED" or
"DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Fourth Floor (Receptionist).

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22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rehana Perveen, whose telephone number is (703) 305-8476. The examiner can normally be reached Monday through Friday from 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at (703) 308-3301. The fax phone number for this Group is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Rehana Perveen
April 23, 2003